

**DEPARTMENT OF ENVIRONMENTAL QUALITY  
PERMITTING AND COMPLIANCE DIVISION  
MEASURABLE GOALS**

January, 2007

**Air Resources Management Bureau**

- Protect Montana's air quality by achieving 100 % compliance with ambient air quality standards. Address areas of the state not in attainment of standards through development and submittal of air pollution control plans. Currently 99% of Montana is in compliance with ambient air quality standards.
- Establish appropriate limits on emissions of air pollutants through issuance of 100% of Montana air quality permits and Title V permits in conformance with the bureau's standards and within statutory time frames. In Fiscal Year 2006, the bureau issued 100% of Montana air quality permits (excluding applications from oil and gas production facilities) and 60% of Title V permits within statutory time frames.
- Provide appropriate protection of public health through maintaining compliance with applicable requirements of the Clean Air Act. Conduct compliance evaluation activities to assess source compliance with applicable air quality requirements. These activities include onsite inspections, report evaluation, complaint response and investigation, and providing assistance to permit holders, permit applicants and the public to increase understanding of applicable regulations and maintain regulatory compliance. The bureau's goal is to conduct onsite inspections at 50% of the regulated facilities each year. The bureau currently inspects approximately 28% of the regulated facilities each year (excluding oil and gas production facilities). The bureau does not currently conduct any compliance evaluation activities for oil and gas production facilities.
- Inventory emissions of air pollutants from 100% of regulated stationary facilities (excluding oil and gas production facilities) each year. The bureau currently inventories emissions of air pollutants from 100% of stationary and portable facilities (excluding the oil and gas production universe).

**Industrial and Energy Minerals Bureau**

Coal and Uranium Program

The fundamental goal is to administer the law to the best of the program's ability. That includes meeting all mandated timelines for permitting and bond/liability release, conducting the minimum number of required inspections at each mine and prospecting site, and issuing sound and defensible violations such that the violations themselves are rarely if ever challenged. A corollary to this is to provide assistance to permit holders, permit applicants, and the public to increase understanding of applicable regulations and maintain regulatory compliance.

During FYs 08 and 09, measurable goals would be to review and process an estimated 24 major permit applications and 12 bond/liability release applications within mandated timelines, and to conduct 400 prospecting and mine site inspections.

#### Opencut Mining Program

The fundamental goal is to administer the law to the best of the program's ability. That includes conducting permitting, bond/liability release, and inspection activities in as efficient a manner as possible, and issuing sound and defensible violations such that the violations themselves are rarely if ever challenged. A corollary to this is to provide assistance to permit holders, permit applicants, and the public to increase understanding of applicable regulations and maintain regulatory compliance.

During FYs 08 and 09, measurable goals would be to review and complete processing of an estimated 380 permit applications and 300 bond/liability releases and to conduct 1,100 mine site inspections.

### **Environmental Management Bureau**

#### Major Facility Siting Program

- Complete 100% of reviews of certificate applications and amendments within short statutory timelines.
- Complete 100% of compliance inspections and site visits for existing MFSA certificates.
- Finalize Administrative Order on Consent with PP&L Montana and Certificate Amendment concerning water issues at Colstrip.

#### Hard Rock Mining Program

- Complete 100% of annual operating permit field inspections and file all related reports.
- Meet schedule of mandatory comprehensive 5-year bond reviews.
- Apply proper level of regulation (General Quarry permits, Operating permits, Small Miner Exclusion Statements) to known rock product operators, as well as searching for additional previously unregulated sites.

The Environmental Management Bureau experienced difficulty in 2006 finding qualified applicants for vacant technical positions, such as geochemist and other specialized environmental scientist positions. Inability to fill vacancies with fully qualified individuals may impact the Bureau's ability to achieve the goals listed above for both sections.

### **Public Water & Subdivision Bureau**

#### Public Water Supply Compliance

- Ensure the safety of public drinking water supplies. Issue 100% of required boil orders and health advisories. In 2006 this number was 11 boil orders and 196 health advisories. Address 100% of violations of treatment technique requirements, Maximum Contaminant Level violations and Significant Non-Compliers that are identified through quarterly compliance evaluations.
- Conduct evaluations to assess compliance with applicable public water supply requirements and to offer compliance assistance to the regulated community. Increase number of evaluations performed by 20%, from 432 in 2006 to 520 in 2008, including all surface water systems or ground water systems under the influence of surface water that are due for a survey. Reports of significant deficiencies will be sent to system owners within 30 days of the sanitary survey.
- The above performance goals will be possible with the inclusions of the requested FTE for the Kalispell field office and the successful recruitment of the vacant positions.

#### Public Water Supply Engineering

- Review plans and specifications for new water and wastewater systems and modifications to existing systems to ensure compliance with design standards.
- Continue reviewing 100% of plans and specifications within the regulatory timeframe.

Adjust review fees to make plan review activities self sufficient as required by statute

#### Technical Services/Operator Certification

- Ensure compliance with state and federal fiscal management requirements through fiscal tracking and planning.
- Continue 100% processing of water/wastewater certification applications received within 7 days.
- Upon receipt of graded examinations, process 100% within 30 days.
- Coordinate with training providers and review alternative training courses to offer professional development training every year to certified operators. Ensure that 70% of operators have the opportunity to receive training yearly in order to meet their biennial Continuing Education Credit requirement.
- Track compliance on a monthly basis and ensure that system owners have the resources necessary to continue the 90% or higher compliance rating with operator certification requirements.
- Utilize data management functions to provide information for program planning and evaluation. Ensure that 100% of hard-copy sampling data received is entered in as accurately as possible before the rule compliance cycle runs.

#### Subdivision

- Effectively manage the review of subdivisions to ensure appropriate protections of environmental resources and consumers. Reduce the number of subdivision reviews that exceed the statutory timeframe from 6.5% to 0%.
- Currently, the program is working on a web-based application tool to assist with individuals completing the application. This is scheduled to be completed and

fully implemented early in FY 2008. With this tool the Section anticipates that the success rate for time applications will increase from 26% to 50%.

- Effectively coordinate subdivision reviews with local authorities to minimize duplication and to honor local requirements.
- Conduct evaluations to assess compliance with applicable sanitation and water quality requirements and to offer compliance assistance to the regulated community.
- The above performance goals will be achievable with the permanent inclusion of the modified FTEs for the Billings field office and the main Helena office and a full year of productivity from the positions.

## **Water Protection Bureau**

In FY 2006 the Water Protection Bureau exceeded its permit issuance plan with 135% permit issuance measured against the plan for backlog reduction regarding renewals. The backlog still exists and a plan is in place for the next few years to bring the permit workload under control. New permit applications are also part of the plan. In addition to attacking the backlog, the Bureau has organized an efficiency effort for coordinating with the Subdivisions Program for those subdivision projects that require groundwater permits as well as subdivision approval to streamline the permitting process.

- Permit issuances: target 10 individual permits per staff person
- Permit issuances: target general permit authorizations within 30 days of applications

Compliance and enforcement is a major program element. The program staff perform compliance activities through inspections, technical assistance and training of consultants and the regulated industries. In 2006 300 inspections were conducted over all program areas.

- Compliance inspections: target all major facilities: 43 per year
- Compliance inspections: target minor facilities once per five year permit term, plus storm water facilities, CAFOs and stream disturbances: overall 200

### **BLM Position**

The objective of this position is to be responsible for advanced professional analysis and application of hydrological and environmental science principles to conduct compliance evaluation and water quality sampling regarding wastewater discharges primarily related to coal bed methane (CBM) and other energy development. It is estimated this position will collect approximately 20 CBM effluent and stream samples and analyze the technical data regarding water quality, wastewater treatment, and control systems relating to proposed and existing permitted facilities. The incumbent will be expected to perform advanced complex analysis of potential and actual surface and ground water discharge of various wastewater treatment and control technologies to protect water quality. This position is responsible for providing professional and technical support to the bureau, and other units of the division, department and other units of local, state and federal government in area of permitted and un-permitted discharges including CBM discharges,

water quality issues, wastewater analysis, and permit limits and may collect an additional 10 water/wastewater samples from unpermitted discharges or in response to wet weather events.

- a. This position will conduct approximately 10 compliance inspections at CBM operations in the Powder River Basin or other energy development sites for compliance with permit requirements and state and federal clean water act requirements. In addition this position will conduct 4 compliance inspections at CBM operations for compliance with storm water permit requirements including review of best management practices (BMP); sediment and erosion control practices at both permitted and unpermitted sites; and responsible for all aspects of regulatory compliance with Title 17, Chapter 30 , Subchapter 12 of the administrative rules of Montana (Storm Water regulations).
- b. In addition, this position may respond to 5-10 third party complaints of potential wastewater discharges at permitted and unpermitted sites located in eastern Montana evaluating compliance with the Water Quality Act.

## **Waste & Underground Tank Management Bureau**

### Hazardous Waste Program

- Inspect 50% of the 40 large quantity generator universe, so that the entire universe is inspected in two years.
- Inspect 100% of the Treatment, Storage and Disposal Facility universe, so that the entire population of 7 is inspected annually
- Complete 90% of inspection reports within three weeks of the date of inspection consistent with the Section's business plan.
- 100% of Significant Violators will handled according to the procedures established in the Consolidated Cooperative Enforcement Agreement.

### Asbestos Control Program

- Approve or deny 100% of accreditations submitted within 5 working days. During CY 2006, 528 of 533 applications were approved within five working days.
- Conduct 24 training course provider audits by December 2007. During 2006, no audits were conducted as this is a biannual requirement.
- Approve or deny 98% of all project permits within 10 working days or 7 calendar days, depending on contract volume per ARM 17.74.351. In CY 2006, 369 project permits were processed per rule statute.

### Methamphetamine Cleanup Program

- Identify all owners of historical meth lab properties and send them certified letters, informing them of their obligations under the new statute. Goal is 100% completion in 2007. In 2006, 80% of the unknown property owners were identified.
- Review and approve initial site assessment, cleanup work plans and final reports from certified Meth Lab Cleanup Contractor submittals to the department. Estimate 90-100 reports with 100% review completion as the goal.
- Confirmatory Sampling of Historical Meth Lab Properties which the property owner had hired a contractor prior to the new statute. Estimate 20 properties with 100% completion.
- Organize a statewide Conference on Clandestine Methamphetamine Lab Remediation for state, local and tribal governments, cleanup contractors and the general public to be completed within calendar year 2007.
- Produce Meth Lab Property Owners Cleanup and Compliance Guidelines for meth lab property owners within calendar year 2007.

#### Solid Waste Program

- Inspect 100% of the 105 licensed solid waste management systems at least once. In calendar year 2006, 78% or approximately 82 facilities received one compliance inspection.
- Complete 100% of all administrative and ground water monitoring reviews within the 90 days of receipt by the SWP. In 2006 100% of the ground water reviews and 70% of the administrative were completed within the 90 day time frame.
- Review and issue licenses on 100 % of all complete applications within 90 days of the program deeming each application complete.
- Complete a licensing and inspection procedure manual by September 2007.

#### Junk Vehicle Program

- Inspect at least 100 percent of the 51 county motor vehicle graveyards. In calendar year 2006 the program achieved 90% of this goal by conducting 46 inspections.
- Inspect at least 50 percent of the 162 motor vehicle wrecking facilities. In calendar year 2006 78 % of this goal was met by conducting 63 inspections.
- Train the new audit staff member in order to achieve at least the same number of audits as in the prior year. In calendar year 2006 staff audited 36 of the 46 county programs.

- Process 100 percent of all abandoned vehicle hired hauling reimbursement requests within seven days of receipt of a complete claim receipt. In calendar year 2006, the program processed 1,380 claims. (The number of reimbursement claims received by the program varies from year to year.)

#### Septic Pumper Program

- Increase the number of inspections at land application sites conducted by program staff from 25 to 50.
- A pre-populated license renewal form will be developed and implemented by November 15, 2007. This will eliminate some of the problems that the program and some licensees experiences during the renewal of septic pumper licenses.
- Develop and maintain a spreadsheet that will track all approved land application sites for each pumper. This will include incorporating all sites approved during the life of the each licensed septic pumper business which operate in the state.
- Continue working with the Septic Pumper Advisory Committee members to improve and develop septic pumper rules that include inspection and identification requirements for pumper trucks.

#### Underground Storage Tank Section

- Complete 100% all of our construction permitting reviews within the regulatory timeframe of 20 days for minor and closure permits and 30 days for major permits. In 2006 the Section completed 99% of our 233 construction permitting reviews within that regulatory timeframe. Assumption: start date is when applications are complete.
- Review 90% of all inspection reports and reply within two weeks. In reviewing 356 inspections during the 2006 calendar year the program reviewed and replied to 81% within two weeks.
- Conduct at least one oversight inspection on each of 20 active inspectors and 10% of the inspections conducted by each inspector. That goal was 95% met within the 2006 calendar year.
- Send all violation letters and request all enforcement within the timelines established by the Consolidated Enforcement Agreement. That goal was met in 2006 with 152 violation letters and 50 enforcement requests.